

REMARKS

Claims 1-10, 12, and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. (US Pub. No. 2002/0141349 A1) in view of Bae et al. (US Pub. No. 2003/0093364 A1), and Claims 11, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. (US Pub. No. 2002/0141349 A1) in view of Bae et al. (US Pub. No. 2003/0093364 A1) and further in view of Moon et al. (US 6,671,266).

It is gratefully acknowledged that Claims 15 and 17 are allowed and Claims 16 and 18 are allowed because of their dependency upon Claims 15 and 17 respectively.

Reconsideration of this Application is respectfully requested.

In the Office Action, the Examiner has rejected Claims 1-10, 12, and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over *Kim et al. in view of Bae et al.* However, it is respectfully submitted that *Bae et al.* is not prior art, as stated under 35 U.S.C. § 103(c). That section of the statute states, in part:

(c) Subject matter developed by another person, which qualifies only as prior art under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The MPEP states that the above-quoted 35 U.S.C. § 103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999.

The present application was filed on January 12, 2004 claiming priority to January 12, 2003. Bae et al. was published on May 15, 2003, which is after the effective filing date of the present application. Further, as the present application is assigned to Samsung Electronics, Co., Ltd., which is also the assignee of *Bae et al.* Therefore, *Bae et al.* is not prior art. Accordingly, the rejection of Claims 1-10, 12, and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over *Kim et al.* in view

of *Bae et al.* is improper.

Furthermore, the Examiner has rejected Claims 11, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Kim et al. in view of Bae et al. and further in view of Moon et al.* However, it is respectfully submitted that *Bae et al.* is not prior art, as stated under above.

In view of the preceding remarks, it is respectfully submitted that all pending claims herein, namely Claims 1-20, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicants

THE FARRELL LAW FIRM, PC
333 Earle Ovington Blvd.
Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475
(516) 228-8476

PJF/EC/mk